SHANNON FISHERIES.

RETURN to an Order of the Honourable The House of Commons, dated 24 March 1863;—*for*,

COPIES "of any COMPLAINTS made to the Commissioners of Fisheries against ILLEGAL WEIRS on the *Shannon*, and their Decisions thereon:"

"Of any CORRESPONDENCE that may have taken place between the Commissioners of Fisheries, the Board of Admiralty, the Harbour Board of *Limerick*, and any other Persons, with reference to a BOAT having been wrecked on a Stake Weir at *Glin*, on the *Lower Shannon*, on the 20th day of December 1862:"

"And, of any CORRESPONDENCE that may have taken place with reference to proposed SURVEY of STAKE WEIRS on the *Lower Shannon*, between the Chamber of Commerce, *Limerick*, the Board of Admiralty, and the Board of Trade."

The Secretary of the Admiralty to the Secretary of the Board of Public Works.

Sir, Admiralty, 19 July 1862.

I AM commanded by my Lords Commissioners of the Admiralty to draw the attention of the Commissioners of Public Works to the great and increasing injury caused to the navigation of the River Shannon by the erection of stake weirs for taking salmon along both shores of the river.

These obstructions, it appears, have been largely constructed during the last two years, and not only remain during the fishing season, but also throughout the winter, with still more danger to the navigation during the boisterous season and long nights; and I am directed to request that the Board of Public Works will cause proper steps to be taken for protecting the interests of navigation, by preventing for the future works of this character in any part of the river where likely to prove injurious.

I am, &c.
(signed) *J. H. Jesse*,
pro Secretary.

To the Secretary,
Board of Public Works, Dublin.

The Secretary of the Board of Public Works to the Secretary of the Admiralty.

Office of Public Works, Dublin,
9 August 1862.

Sir,

WITH reference to your letter of the 19th ultimo, wherein the Lords Commissioners of the Admiralty draw the attention of the Commissioners of Public Works to the great and increasing injury caused to the navigation of the River Shannon by the erection of stake weirs for taking salmon along both shores of the river; that these obstructions, it appeared, had been largely increased during the last two years, and not only remain during the fishing season, but also throughout the winter, with still more danger to the navigation during the boisterous season and long nights; and requesting that the Board of Public Works

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Works would cause proper steps to be taken for protecting the interests of navigation by preventing for the future works of this character in any part of the river where likely to prove injurious; I am desired by the Board to submit, for consideration of their Lordships, the accompanying report from their solicitor on the subject, and, in addition to the reasons therein assigned, to state that the Board has always felt the question of obstruction to navigation was one more properly to be dealt with by the Lords of the Admiralty than by this department as Commissioners of Fisheries; the clause in the Fishery Act referred to, 5 & 6 Vict. c. 106, s. 21, being confused, if not in many cases inoperative by the previous section in the Act, while their Lordships' paramount authority is specially saved by providing that nothing therein contained shall be construed or taken to affect or abridge the powers of Her Majesty's High Court of Admiralty, or any other jurisdiction in relation to the placing or erection of such weirs, fixed nets, or contrivances.

Further, the Fishery Board have no officer belonging to the department competent to form a correct opinion with respect to obstruction to navigation, and upon whose judgment they could with safety or advantage to the public exercise the summary power given in the Act.

Under the circumstances the Board would take the liberty of submitting the propriety of the question being taken up by their Lordships as one affecting the navigation, irrespective of fishery rights or claim.

I am, &c.
(signed) *E. Hornsby*, Secretary.

The Secretary, Admiralty, London.

The Secretary of the Board of Public Works to Mr. *G. A. Hamilton.*

Sir, 9 August 1862.

I have the honour to enclose herewith, for the information of the Lords Commissioners of Her Majesty's Treasury, copies of correspondence which has taken place between the Board, the Lords Commissioners, and Her Majesty's Admiralty, and the Harbour Commissioners of Limerick, relative to enforcing certain provisions of the Fishery Laws with regard to the removal of stake weirs, which are stated to be obstructions to the navigation of the River Shannon.

Geo. A. Hamilton, Esq., Treasury,
London, S.W.

I have, &c.
(signed) *E. Hornsby*, Secretary.

Solicitor Public Works to Board of Public Works.

Stake Weirs in the Shannon.

With reference to this Admiralty letter of the 19th instant, in which their Lordships request that the Board will cause proper steps to be taken for protecting the interest of the navigation, by preventing for the future works of this character in any part of the river where likely to prove injurious, I beg to observe, that the subject of stake weirs has been frequently under the Board's consideration, particularly on the * Bride and Blackwater Rivers, and in Waterford Harbour; and it has been the opinion of this Board, that though the Fishery Act does contain provisions (to which I shall presently advert) giving the Board certain powers in respect of the removal of these stake weirs, still it has hitherto always been considered that the question is properly more one for the Admiralty to take up as obstructing navigation, than for the Board as protectors of the fisheries.

* *See* printed Parliamentary Paper, No. 281, dated 28 May 1862.

The Admiralty can deal with these stake weirs in a more summary way, irrespective of alleged rights of parties to erect them.

5 & 6 Vict. c. 106.

This Board's powers are to be found in the Act of Parliament referred to in the margin. Section 21, of which provides that no stake weir shall be placed so as

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as to be injurious or detrimental to navigation, and upon due inquiry in each case, and after summoning the owners of such weirs, the Board is authorised to declare such weirs a nuisance, and by their warrant to have them abated, but with a special saving of the Admiralty power.

The same Act of Parliament, however, in its previous provisions recognises rights to have these stake weirs in certain cases; and on a late occasion, when this Board found it necessary to take counsel's opinion with regard to the validity of the title to weirs of this kind, the Solicitor General expressed his opinion, "that great confusion had been caused by the Act above referred to in relation to those stake weirs, and other fixed engines; but that, however, it was quite clear, so far as they were illegal by reason of obstructing the navigation, the illegality remained unaffected by the provisions of the Act, and that the obstruction of the free passage of boats constitutes an obstruction to navigation just as much as the obstruction of large vessels. That the public have the right to pass and repass in ships and boats in every direction over the tidal waters, and any fixed engine which obstructs that right is a nuisance, and on that account illegal."

Now, I think it is manifest, that where the Admiralty are the proper judges of what is injurious to navigation, and have, as I presume, ample power to remove any obstruction thereto, it would be imprudent to proceed under the Fishery Act, which has, as the Solicitor General observes, not only caused much confusion by its provisions, but further, it is to be observed, that in the inquiry which the Act of the 5th & 6th Vict. requires shall be held by the Board into the circumstances of each weir previously to ordering their removal, would only give parties an opportunity of setting up *primâ facie* titles, which might possibly be considered as ousting their jurisdiction, and prevent the Board from summary interference in many of those cases. Such a result would, to a certain extent, have the effect of setting up titles of these parties, and render it more difficult hereafter to deal with them under the Admiralty proceedings, or in case of a new Fishery Act similar to that brought in last Session for the abolition of these stake weirs or fixed engines.

On the whole, it would appear to me advisable that the proceedings against the stake nets in the Shannon should be removed by the Admiralty under the ample powers which their Lordships have for such purpose.

I would further remark, that the subject of the head weirs, also fixed engines, in the Waterford River, were lately under consideration of the "Solicitor General and another counsel in consultation," and it was their opinion that the Board should not in these cases (similar in all respects to those on the Shannon) be dealt with under the Fishery Acts, but that indictments as nuisances and obstructions to navigation should be preferred against the owners at the suit of the Crown, and proceedings for this purpose have accordingly been instituted, and are now pending.

It therefore would appear to me right that the considerations I have offered should be submitted to the Admiralty, when probably their Lordships may deem it proper to act under their own authority, and abate these weirs.

31 July 1862. *A. Stewart*, Office of Public Works.

To the Secretary.

Board of Admiralty to Board of Public Works.

Admiralty, 30 July 1862.

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to forward to you herewith a memorial from the Limerick Harbour Commissioners, complaining of the injury caused to the Navigation of the Shannon by Fishing Weirs, upon which subject a letter was forwarded to the Board of Works on the 19th instant.

I am, &c.
(signed) *C. H. Pennell*,
pro Secretary.

To the Secretary to the Board of
Public Works, Dublin.

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Limerick Harbour Commissioners to the Lords Commissioners of the Admiralty.

To the Lords Commissioners of the Admiralty.

The Memorial of the Limerick Harbour Commissioners,

Showeth,

That the attention of your memorialists has been forcibly directed by the evidence recently taken before a Select Committee of the House of Commons on the "Fisheries (Ireland) Bill," to the great and increasing extent to which obstructions to the navigation of the Lower Shannon have of late years been created by the erection of stake weirs, and other fishing engines, to the serious invasion of public rights, and manifest interference with the free and safe navigation of this important river.

That the Harbour Commissioners deem it their imperative duty, as charged by Act of Parliament with the conservancy of the Port of Limerick, including the Lower Shannon, to bring this important subject under cognisance of your Lordships, and to request the interposition of your authority to abate the evil complained of.

That it appears, from the evidence referred to, that these weirs have been and are continuously erected on the Lower Shannon without any control or supervision whatever as to their effect on the navigation; and that, although they have been pronounced to be of illegal character, as obstructions thereto, by high legal authorities from time to time, yet they are allowed to multiply in the Shannon from year to year, and may be increased to any indefinite extent, if some Governmental authority does not interfere to prevent it.

Your memorialists would particularly refer to the official evidence given in the Report, by which it appears, that Mr. Fennell, Commissioner of Fisheries, and Mr. Brady, Inspector, both declared that these weirs are dangerous obstructions to navigation, and, as such, clearly illegal; that with respect to other rivers, the effect of them has been most seriously injurious in that respect, particularly in the Blackwater and its tributary, the Bride, in the latter of which Mr. Fennell describes the navigation as "totally extinguished" by these erections; and that prosecutions at the suit of the Crown have been frequently directed against them, as illegal obstructions to a great public right.

It further appears, that this evil has frequently been brought under the consideration of the Admiralty by the Commissioners of Fisheries in Ireland, and by reports of the Admiralty's own officers, by whom it has always been declared that these erections in navigable rivers are injurious, and illegal obstructions to navigation, which ought to be removed; but no effectual remedy has yet been applied.

That your memorialists find, by Appendix to the Report, that the whole number of fixed fishing engines in the Irish rivers is 390, of which no less than 125 are situated in the Lower Shannon, and that 17 of these have been erected in the present year. They are described as extending into the Channel in many instances beyond the limits of low water of spring tides, and sometimes to the enormous extent of 105 fathoms from the shore, and so closely erected in some places as to number from 7 to 10 in one mile of the shore.

It must be almost unnecessary to represent that the existence of these impediments render the navigation of this river most inconvenient and dangerous for small craft, depriving them of the shelter of the shore in rough weather, and driving them far out into the Channel, even at high tide; and that while the Lords of the Admiralty so stringently protect the public rights of navigation against

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against all other impediments, they should not forbear to exercise their authority against these erections, which have been so loudly complained of, and so authoritatively condemned.

Memorialists therefore pray your Lordships to adopt measures to abate the evils complained of, by the removal of these illegal obstructions.

And Memorialists will pray.

Seal.

Witness to the Corporate Seal,
(signed) *Stephen Roche*,
Secretary.

Lords Commissioners of the Treasury to Board of Public Works.

Gentlemen, Treasury Chambers, 20 August 1862.

WITH reference to your secretary's letter of the 9th inst., enclosing copies of correspondence which has taken place between your Board, the Board of Admiralty, and the Harbour Commissioners of Limerick, relative to enforcing certain provisions of the fishery laws with regard to the removal of stake weirs which are stated to be obstructions to the navigation of the River Shannon, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that they concur in the views expressed in the memorandum by your solicitor, viz., that where these stake weirs are obstructions to navigation, their removal should be effected by the Admiralty, under the general powers intrusted to them as guardians of the navigation, rather than by your Board, under your more limited powers as conferred by the fishery laws.

I am, &c.
(signed) *Geo. A. Hamilton.*

The Commissioners of Public Works, Dublin.

Mr. *William Lysaght* to Board of Public Works.

Sir, 44, Upper Cecil-street, Limerick,
9 September 1862.

I WILL feel obliged by your handing the enclosed complaint, with the schedule and map, to the Commissioners for Public Works and Fisheries.

I am, &c.
(signed) *Wm. Lysaght.*

To the Secretary, Office of Public Works, Dublin.

Mr. *William Lysaght* to Board of Public Works.

To the Commissioners for Public Works and Fisheries, Ireland.

44, Upper Cecil-street, Limerick,
9 September 1862.

I COMPLAIN that the several stake weirs on the Lower Shannon, the property of Lord Monteagle, Colonel White, and Stafford O'Brien, and numbered respectively 25, 64, 63, and 76, on the schedule and map hereunto attached, are illegal, being situate in a narrow channel, and being an obstruction to the navigation; and I hereby call upon you, the Commissioners for Public Works and Fisheries in Ireland, to adjudicate thereon, and abate them, under the 21st section of the 5th & 6th Victoria, c. 106.

(signed) *Wm. Lysaght.*

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Lower Shannon Salmon Fisheries.

SCHEDULE, showing the Number, Description, and Locality, of the Various Fixed Engines, viz.:—Stake Weirs, Fly Nets, and Bag Nets, for catching Salmon along both Shores, and the Islands, of the Lower Shannon.

May 1862.

Number of Fishery on Map.	Description of Fishing Engines.			Owner.	Locality.	Observations.
	Stake Weir.	Fly Net.	Bag Net.			
					COUNTY OF KERRY.	
1	1	–	–	Mrs. Wren - - -	Beal Point and Sand Hills.	
2	1	–	–	- ditto - - - -	Letter.	
3	1	–	–	- ditto - - - -	- ditto.	
4	–	1	5	Stephen Pegum - -	Killelton - - -	All in a continuous line connected with leaders.
5	–	–	3	Brown and M'Auliff -	Carrig Island - - -	All in a continuous line connected with leaders.
6	–	–	3	Pim, London - - -	Knockfinlish Point - -	All in a continuous line connected with leaders.
7	–	–	3	William Sands - -	Ardmore - - -	All in a continuous line connected with leaders.
8	–	–	3	- ditto - - -	Glown Cionsagh - -	All in a continuous line connected with leaders.
9	–	–	3	Pim, London - - -	West of Leshe Rock -	All in a continuous line connected with leaders.
10	–	–	2	- ditto - - -	East of Leslie Rock -	In a continuous line connected with leaders.
11	–	–	1	- ditto - - -	West of Tarbert Light.	
					COUNTY OF LIMERICK.	
12	1	–	1	Jameson & Co. - -	Ballydonohoe.	
13	–	1	2	Dr. Barrington - -	Shannon Lawn.	
14	1	–	2	Edmond Fitzgerald -	Glynn Castle.	
15	–	–	1	Brown & Co. - - -	Knockaraua.	
16	1	–	2	- ditto - - -	- ditto - - - -	In a continuous line connected with leaders.
17	–	–	1	Jamoson & Co. - -	Caherea.	
18	1	–	–	- ditto - - -	Caherea, Long Rock -	Four Fishing Pockets to this Weir.
19	1	–	1	John M'Mahon - -	Killacolla - - -	In a continuous line connected with leaders.
20	1	–	1	John Griffin - - -	Loughal - - - -	In a continuous line with three Pockets to the Stake Weir.
21	1	–	1	Martin Mack - - -	Loughal Coal Pits - -	In a continuous line with two Pockets to the Stake Weir.
22	1	–	–	James Brown - - -	Monot Trenchard.	
23	1	–	1	Philip Sheahan - -	Strand Field - - -	In a continuous line with two Pockets to the Stake Weir.
Foynes Island. 24	1	–	–	James Brown - - -	Foynes Island, North.	
Foynes Island. 25*	1	–	–	- ditto - - -	Foynes Island, South.	
Foynes Island. 26	1	–	–	- ditto - - -	Foynes Rock.	
Foynes Island. 27	1	–	–	- ditto - - -	Robertstown - - -	Two Pockets to this Stake Weir.
28	1	–	–	John Ranahan - -	Askeaton - - -	Two Pockets to this Stake Weir.
29	1	–	–	Thomas Naughten - -	Ballystein - - -	Three Pockets to this Stake Weir.
					COUNTY OF CLARE.	
30	–	–	1	Denis M'Auliff - -	Corlish.	
31	–	–	2	- ditto - - -	Querrin Head - -	In a continuous line connected with leaders.
32	–	3	–	- ditto - - -	Querrin - - - -	All in a continuous line connected with leaders.
33	–	4	–	- ditto - - -	Mount Pleasant - -	All in a continuous line connected with leaders.
34	–	1	–	- ditto - - -	Barnahard.	
Scattery Island. 35	1	–	–	- ditto - - -	Scattery, West - -	Two Pockets to this Stake Weir.
Scattery Island. 36	–	1	–	- ditto - - -	- ditto.	
Scattery Island. 37	–	–	1	- ditto - - -	- ditto.	
Scattery Island. 38	–	–	1	Connell & Co. - -	Scattery, North-West.	
Scattery Island. 39	–	–	1	- ditto - - -	- ditto.	
Scattery Island. 40	–	1	–	- ditto - - -	- ditto.	
Scattery Island. 41	1	–	–	- ditto - - -	- ditto - - -	Two Pockets to this Stake Weir.
Scattery Island. 42	–	–	1	- ditto - - -	- ditto.	
43	–	1	1	James Conoell - -	Ballynote Bay - -	In a continuous line connected with leaders.
44	–	–	1	James Boland - -	Ayleveron, West.	
45	–	–	1	James Connell - -	Ayleveroo, East.	
46	–	–	1	John Slattery - -	Moyne Bay.	
47	–	1	–	- ditto - -	Moyne Point.	
48	–	–	2	Sinan M'Auliff, jun. -	Money Point, West -	In a continuous line connected with leaders.
49	–	–	1	- ditto - - -	Money Point.	
50	–	–	1	Thomas Stapleton - -	Poul na Dharri.	
51	–	–	2	Stephen Pegum - -	Poul na Dharri Quarry -	In a continuous line connected with leaders.
52	–	–	3	- ditto - - -	Basborough - - -	All in a continuous line with leaders.
53	–	1	1	Mr. Reeves - - -	Burraun Quay - -	In a continuous line with leaders.
54	–	–	1	- ditto - - -	Poulagulkee.	

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Number of Fishery on Map.	Description of Fishing Engines. Stake Weir.	Fly Net.	Bag Net.	Owner.	Locality.	Observations.
					County of Clare.—*cont.*	
Clonderlaw Bay. 55	–	–	1	Mr. Reeves - - -	Burraun.	
56	1	–	2	- ditto - - -	Burraun East - - -	All in a continuous line, the Stake Weir with two Pockets.
57	1	–	–	- ditto - - -	Breihil Rock - - -	Two Pockets to this Stake Weir.
58	1	–	–	Michael Colpoys - -	Knock - - - -	Two Pockets to this Stake Weir.
59	1	–	–	John Brooks - - -	- ditto - - - -	Two Pockets to this Stake Weir.
60	1	–	–	Mrs. Hodnet - - -	- ditto - - - -	Two Pockets to this Stake Weir.
61	1	–	–	- ditto - - -	Kilmore - - - -	Two Pockets to this Stake Weir.
62	–	1	–	Mr. Hoolahan - -	Kilmurry.	
63*	1	–	–	Daniel Molony - -	Loughnabeby.	
64*	1	–	3	- ditto - - -	Longholl North - -	In one continuous line running far across the Bay, two Pockets in Stake Weir.
65	–	–	2	- ditto - - -	- ditto - - - -	In a continuous line connected with leaders.
66	1	–	2	James Brown - - -	Kilkerrin Battery - -	All in a continuous line connected with leaders.
67	–	1	1	Sinan M'Auliff, jun. -	Longholl South - -	In a continuous line connected with leaders.
68	–	–	1	- ditto - - -	Coleman's Town.	
69	–	1	–	Sinan M'Auliff, sen. -	Mount Shannon.	
70	1	–	–	Marcus Sheehy - -	ditto at Castle.	
71	–	1	–	Denis M'Auliff - -	Labasheeda.	
72	1	–	–	Sinan M'Auliff, jun. -	Goleen.	
73	1	–	–	S. Cunningham - -	Oilrua.	
74	1	–	–	James O'Neill - -	Reinalan.	
75	1	–	1	Mr. Griffin - - -	Cahercon - - -	In a continuous line connected with leaders.
76*	1	–	–	Stafford O'Brien - -	Cratloe.	
	35	19	71			

SUMMARY { Stake Weirs - 35, Fly Nets - 19, Bag Nets - 71 } 125 Fishing Engines along the shores of this estuary, of which 17 were erected this year, with anchors fixed for the erection of more; nearly half the above Stake Weirs have each two or three pockets, and many of the engines are fished both on the ebb and flood tides. Some of the fishing engines are erected where the channel is not three quarters of a mile in width, and in some cases there are as many as from seven to nine engines on a mile of the shore. The leaders off bag nets are generally about 150 to 200 feet in length, together with the breadth in the head of the net, about 30 or 40 feet, so that where several fishing engines are placed in a line they extend from 400 to 800 feet out from the shore.

(signed) *Thomas Clancy*,
Water Bailiff, Limerick.

* *Note.*—Numbers 25, 63, 64, and 76, referred to in complaint.

9 September 1862. (signed) *Wm. Lysaght.*

Board of Public Works to Mr. *William Lysaght.*

Sir, Office of Public Works, 11 September 1862.

I am directed to acknowledge the receipt of your letter, dated the 9th instant, preferring a complaint against certain stake weirs in the estuary of the River Shannon; and I am to state that the matter has been forwarded to the Lords Commissioners of Her Majesty's Treasury, with a request that instructions be sent to the Lords of the Admiralty to have the obstructions to the navigation in the Shannon removed.

I am, &c.
(signed) *E. Hornsby*,
Secretary.

To William Lysaght, Esq.,
44, Upper Cecil-street, Limerick.

Board of Public Works to the Treasury.

Office of Public Works, Dublin,
16 September 1862.

Sir,

I am directed to forward herewith, for the information of the Lords Commissioners of Her Majesty's Treasury, a copy of complaint made by Mr. William Lysaght, of Limerick, with schedule and map annexed thereto, against certain weirs in the Lower Shannon, and calling on the Commissioners to act in this matter as directed by the provisions of the Irish Fishery Act, 5 & 6 Vict. c. 106; and, with reference to their Lordships' letter of the 20th ultimo, I am to state that it

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it appears to the Commissioners the proper course to adopt, and which they would beg to suggest for their Lordships' favourable consideration, would be, that instructions should be sent to the Lords of the Admiralty to have the obstructions in the River Shannon removed.

I am, &c.
(signed) *W. Mooney*,
pro Secretary.

Geo. A. Hamilton, Esq., Secretary,
Treasury Chambers, London.

Lords Commissioners of the Treasury to Board of Public Works.

Gentlemen, Treasury Chambers, 22 September 1862.

With reference to Mr. Mooney's letter of the 16th instant, enclosing copy of a complaint, with enclosure from Mr. Wm. Lysaght, of Limerick, against certain weirs in the Lower Shannon, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, that they have forwarded the papers to the Admiralty, for such directions as the Lords Commissioners may see fit to give in the matter.

I am, &c.
(signed) *Geo. A. Hamilton.*

The Commissioners of Public Works,
Dublin.

Board of Admiralty to Commissioners of Fisheries.

Department of the Commodore Controller General of Coast Guard.

Admiralty, Coast Guard Office,
Gentlemen, 12, Spring Gardens, S.W., 30 January 1863.

I transmit herewith, for your information and consideration, a report in original, dated 26th instant, from Commander W. Pollard, Inspecting Commander of the Coast Guard, Kilrush Division, relative to a boat having fouled the stakes of a salmon weir in the Lower Shannon, together with the extract from the "Limerick Chronicle" of the 22d January 1863, referred to herein.

I have, &c.
(signed) *J. W. Tarleton*,
Captain, R.N., Deputy Controller General.

The Commissioners of Fisheries,
Custom House, Dublin.

Report relative to a Boat fouling the Stakes of a Salmon Weir in the Lower Shannon.

Sir, Kilrush, 26 January 1863.

In the "Limerick Chronicle," of the 22d January (which I forward herewith, I see a letter signed by William Lysaght, Esq., one of the honorary secretaries of the "Association for Amendment of the Fishery Laws," in which the fact of a boat having got entangled in the stakes of a weir belonging to the Knight of Glin is given as an illustration of the weirs in general being obstructions to the navigation of the Lower Shannon; and as I am confident that this will be brought forward in the ensuing Session of Parliament, and that a reference will probably be made to the Coast Guard Office on the subject, I beg leave to lay before you the result of the evidence brought before me in an inquiry I held relative to the same subject for the "Royal National Life Boat Institution."

The boat had been freighted by Mr. Kennedy to convey nets and material for a salmon weir from Glin to Querin, the master of her knowing very little of Glin. After taking the nets, &c., on board, he weighed about 5 p.m., on the 20th December, with the first of the ebb, as he was very anxious to return to Querin. The night was very dark, and there was a strong gale from the N.W. blowing at the time, and a heavy sea running.

On

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On her first tack towards the Glin shore, she ran alongside the stakes of the weir on the flood side, and consequently got jammed against them by the ebb and the heavy sea, three stakes passing up through her rudder casing, but doing no damage to the boat. Assistance came to her from the shore, attention being attracted by their cries for help, although the boat was not seen from the shore, on account of the darkness of the night. The stakes that held her were cut away, an anchor was laid out to wharp her clear, and she proceeded on at once.

Under these circumstances, I am inclined to attribute the accident to the darkness of the night, the want of local knowledge of the master of the boat, and to his rashness in weighing under such disadvantages, more than to the stakes of the weir being an obstruction to the general navigation of the river, although I do consider that it would be more prudent to have them removed during the winter months.

In justice to the men who rendered the first assistance to the boat in her distress, without disparaging in any way the efforts of the police constables, I beg to inform you that Anthony Geary, and two others in his boat, were the first to put off, and that he conveyed the constables to the boat on his second trip.

These facts are gathered from the information I got from A. Geary, who was assisting the whole of the time; and from the wood-ranger of the Knight of Glin, who was the first to hear the cries for help, and who called the boatmen out, but did not go to their rescue himself.

I have, &c.
(signed) *Walter Pollard*, T. Cr.

Captain Thomas Harvey, R.N.,
H. M. S. "Hawke."

"Hawke," 28 January 1863

Forwarded for the information of the Commodore Controller General.

Thomas Harvey, Captain.

The Secretary of the Board of Public Works to the Controller General of the Coast Guard.

Department of Fisheries.

Office of Public Works, Dublin,
19 February 1863.

Sir,

I AM directed to return herewith the report of the Inspecting Commander of Coast Guard, Kilrush Division, transmitted in your letter of the 30th ultimo, in reference to a boat having fouled the stakes of a weir in the Lower Shannon, and for which the Board feel obliged.

I am, &c.
(signed) *Edward Hornsby*, Secretary.

The Commodore Controller General,
Coast Guard, Admiralty,
12, Spring Gardens, London, S.W.

MEMORIAL of the Limerick Harbour Board to the Lords of the Admiralty, July 1862,

Showeth,

THAT the attention of your memorialists has been forcibly directed, by the evidence recently taken before a Select Committee of the House of Commons on the Fisheries (Ireland) Bill, to the great and increasing extent to which obstructions to the navigation of the Lower Shannon has of late years been created by the erection of stake weirs and other fishing engines, to the serious invasion of the public rights and manifest interference with the free and safe navigation of this important river.

That the Harbour Commissioners deem it their imperative duty, as charged by Act of Parliament with the conservancy of the Port of Limerick, including the Lower Shannon, to bring this important subject under the cognizance of your Lordships, and to request the interposition of your authority to abate the evil complained of.

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That it appears, from the evidence referred to, that these weirs have been and are continually erected on the Lower Shannon, without any control or supervision whatever as to their effect on the navigation; and that, although they have been pronounced to be of illegal character, as obstructions thereto, by high authorities from time to time, yet they are allowed to multiply in the Shannon, and may be increased to any indefinite extent if some governmental authority does not interfere to prevent it.

That the Harbour Commissioners would particularly refer to the official evidence given in the Report, by which it appears that Mr. Fennel, Commissioner of Fisheries, and Mr. Brady, Inspector, both declare that these weirs are dangerous obstructions to navigation, and, as such, clearly illegal; that, with respect to other rivers, the effect of such engines has been most seriously injurious to free navigation, particularly in the Blackwater, and its tributary, the Bride, in the latter of which Mr. Fennel describes the navigation "totally extinguished" by these erections, and that prosecutions at the suit of the Crown have been frequently instituted against them as illegal obstructions.

That it further appears that the evil has frequently been brought under the consideration of the Admiralty by the Commissioners of Fisheries in Ireland and by reports of the Admiralty's officers, who have always declared that these erections on navigable rivers are injurious and illegal obstructions to navigation, which ought to be removed, but no effectual remedy has yet been applied.

That your memorialists find, by Appendix to the Report, that the whole number of fixed engines in the Irish rivers is 390, of which no less than 125 are situated in the Lower Shannon, and that seven of these have been erected in the present year. They are described as extending into the Channel in many instances beyond the limits of low water of spring tides, and sometimes to the enormous extent of 105 fathoms from the shore, and so closely placed in some places as to number from nine to ten in one mile of the river.

It must be almost unnecessary to represent that the existence of these impediments renders the navigation of the river most inconvenient and dangerous for small craft, depriving them of the shelter of the shore in rough weather, and driving them far into the channel even at high tide; and that while the Lords of the Admiralty so stringently protect the public rights of navigation against all other impediments, they should not forbear to exercise their authority against these erections, which have been so loudly complained of and authoritatively condemned.

Your memorialists therefore pray your Lordships to adopt measures to abate the evils complained of by the removal of these illegal obstructions.

And your memorialists will ever pray.

The Secretary of the Admiralty to the Secretary of the Chamber of Commerce, Limerick.

Sir, Admiralty, 3 December 1862.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, that the injury caused to the navigation of the River Shannon by the construction of fishing weirs having been brought to their Lordships' notice, and having been for some time under consideration, it has been decided that, as a first step towards causing the removal of the weirs, it would be desirable to have a survey or examination of the river made, by some officer to be appointed by their Lordships; and I am therefore directed by my Lords to request you will lay the subject before the members of the Chamber of Commerce at Limerick, and ascertain whether that body is ready to contribute towards the expense of such a survey.

I am, &c.
(signed) *W. G. Romaine.*

To the Secretary of the Chamber of Commerce, Limerick.

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The Secretary of the Chamber of Commerce, Limerick, to the Secretary of the Admiralty.

Chamber of Commerce, Limerick,
16 September 1862.

Sir,

HAVING submitted to the Directors of this body your letter of the 3d instant (H), I am directed to express their gratification that the Lords Commissioners of the Admiralty have decided to have a survey of the Lower Shannon made as a first step towards the removal of she fishing weirs which form obstructions to the navigation of this river; but I am at the same time to say that, as this Chamber has not any public fund at its disposal, the Directors do not think it reasonable that they should be expected to contribute towards an object which it appears to be the immediate province of a Government department to carry into effect at the public expense.

A preliminary survey of these objectionable obstructions to the navigation of the Shannon was some time ago made by Mr. Long, C.E., of this city (in whom the Directors of this Chamber have the fullest confidence), showing the number and position of these weirs on the Ordnance Survey Maps—a copy of which will be forwarded to my Lords if desired; and I am further directed to say, that if local contribution to the necessary funds be essential, the large fund derived from the harbour dues is the proper source from which such contribution should come, through the administration of the Harbour Commissioners; and the Directors of this Chamber would feel obliged if you inform them what would be the probable amount that would be so required.

I have, &c.
(signed) *William Carroll,*
Secretary.

W. G. Romaine, Esq., C.B.,
Secretary, the Admiralty, London.

The Secretary of the Admiralty to the Secretary of the Chamber of Commerce, Limerick.

Admiralty, 22 December 1862.

Sir,

I AM commanded by my Lords Commissioners of the Admiralty to acknowledge the receipt of your letter of the 16th instant on the subject of the fishing weirs in the River Shannon, in which you state that the large fund derived from the harbour dues is the proper source from which any contribution towards making a survey of the river should come, and requesting to be informed what would be the probable amount that would be so required.

In reply, I am directed to acquaint you that a moiety of the expense would be about 60*l.*

I am, &c.
(signed) *W. G. Romaine.*

W. Carroll, Esq.,
Secretary to the Chamber of Commerce,
Limerick.

The Secretary of the Chamber of Commerce, Limerick, to the Secretary of the Admiralty.

Chamber of Commerce,
Limerick, 15 January 1863.

Sir,

HAVING submitted to the Directors of this Chamber your letter of the 22d ultimo (H), stating the amount which their Lordships require to be contributed towards the expense of a survey of the fishing weirs now obstructing the navigation of the Lower Shannon, preparatory to their removal, at the sum of 60*l.*, I am directed to hand you the enclosed draught on the Bank of England in your favour

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favour for that amount, and to express the earnest wish of the Directors that their Lordships will be good enough to direct measures to be taken as soon as practicable for this most desirable object.

The Directors have been informed that since my last communication to you two boats' crews narrowly escaped destruction in consequence of some of these weirs, and they are the more strongly impressed with the conviction that such dangerous and illegal obstructions should not longer be allowed to exist in this important river.

I have, &c.
(signed) *William Carroll,*
Secretary.

W. G. Romaine, Esq., C.B.,
Secretary, the Admiralty, London.

The Secretary of the Board of Trade to the Secretary of the Chamber of Commerce, Limerick.

(941.) Office of Committee of Privy Council for Trade,
Marine Department,
Whitehall, 23 January 1863.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acquaint you, that your letter of the 15th instant to the Lords Commissioners of the Admiralty, enclosing a draft from the Bank of Ireland for the sum of sixty pounds (60 *l.*) contributed by the Chamber of Commerce, Limerick, towards the expense of a survey of the fishing weirs which are alleged to obstruct the navigation of the Lower Shannon, has been forwarded to this department, in which the jurisdiction over tidal or navigable waters is now vested by "The Harbours' Transfer Act, 1862."

I am to add, that the subject of your letter will receive the early consideration of my Lords.

I am, &c.
(signed) *James Booth.*

The Secretary, Chamber of Commerce,
Limerick.

REPORT of the Harbour Master of Limerick.

Harbour Office,
Limerick, 19 February 1863.

Dear Sir,

HAVING made my periodical visit of inspection upon the River Shannon, I think it right that I should bring under the notice of the Chamber of Commerce the yearly increasing dangers and obstructions to its navigation, arising out of the erection and extension of the many salmon weirs, as also of the still more dangerous use of bag nets, along its banks.

At both sides of the river, commencing at Staffords Weir, upon the north shore, and ending upon Bealpoint upon the south, these weirs are all interruptions; many of them obstructions, and some of them dangerously so.

Of the bag nets I can scarcely convey an idea of the real danger to which every description of vessel navigating the river is exposed by the manner in which nets of that description are disposed, and the great distance from the shore at which the outward buoys are moored.

Of Clonderlan Bay, I can only add, that for all practical purposes of navigation or traffic it is virtually and effectually closed up by those engines.

I am, &c.
(signed) *William Randall,*
Harbour Master.

William Carroll, Esq.,
Secretary, Chamber of Commerce.

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The Secretary of the Marine Department, Board of Trade, to the Secretary of the Chamber of Commerce, Limerick.

(941.)

Office of Committee of Privy Council for Trade,
Marine Department,
Whitehall, 5 March 1863.

Sir,

With reference to your letter of the 15th of January last, enclosing a draft for sixty pounds (60 *l.*) towards the expense of making a survey of the River Shannon, and the fishing weirs which have been constructed in the bed thereof, I am directed by the Lords of the Committee of Privy Council for Trade to acquaint you, that, as a Bill is now before Parliament on the subject of the Salmon Fisheries in Ireland,* the Board of Trade must delay taking any steps in the matter for the present; the money is therefore herewith returned by a draft for sixty pounds (60 *l.*) on Her Majesty's Paymaster-General, which, on being stamped and signed, may be negociated through your bankers.

* Salmon Fisheries (Ireland) Bill.

I am, &c.
(signed) *T. H. Farrer.*

William Carroll, Esq.,
Chamber of Commerce, Limerick.

The Secretary of the Chamber of Commerce, Limerick, to the Secretary, Marine Department, Board of Trade.

Chamber of Commerce,
Limerick, 24 March 1863.

Sir,

Having brought under consideration of this body your letter of the 5th instant, returning the sum of 60 *l.*, forwarded at the request of the Lords of the Admiralty towards the expense of a survey of the fishing engines which obstruct the navigation of the Lower Shannon, I am directed to say, that as the Admiralty declared its opinion to the effect that these engines are obstructions to the navigation, and ought to be abated, this Chamber is still of opinion that the survey preparatory to that object ought to be proceeded with without delay, irrespective of any legislation respecting fisheries which may now, or at any future time, engage the attention of Parliament, and that such survey would be most likely to guide the legislature in its deliberations on the fishery laws if accomplished before any further act on that subject would receive the sanction of Parliament.

When it is admitted that obstructions to navigation have been erected in this important river contrary to the common law rights of all Her Majesty's subjects, it appears to this Chamber to be unreasonable on the part of the Public Department charged with the protection of these rights to postpone them indefinitely to the consideration of other, and for the most part, personal interests.

I have, &c.
(signed) *William Carroll,*
Secretary.

T. H. Farrer, Esq., Secretary,
Board of Trade, London.

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SHANNON FISHERIES.

COPIES of COMPLAINTS made to the Commissioners of Fisheries against ILLEGAL WEIRS on the *Shannon*, and their Decisions thereon; of CORRESPONDENCE between the Commissioners of Fisheries, the Board of Admiralty, the Harbour Board of *Limerick*, and other Persons, with reference to a BOAT having been Wrecked on a Stake Weir at *Glin*, on the *Lower Shannon*; and, of CORRESPONDENCE with reference to proposed SURVEY of STAKE WEIRS on the *Lower Shannon*; &c.

(*Colonel French.*)

Ordered, by The House of Commons, *to be Printed*, 12 *May* 1863.

[*Price* 1 *s.*]

259.

Under 3 *oz.*

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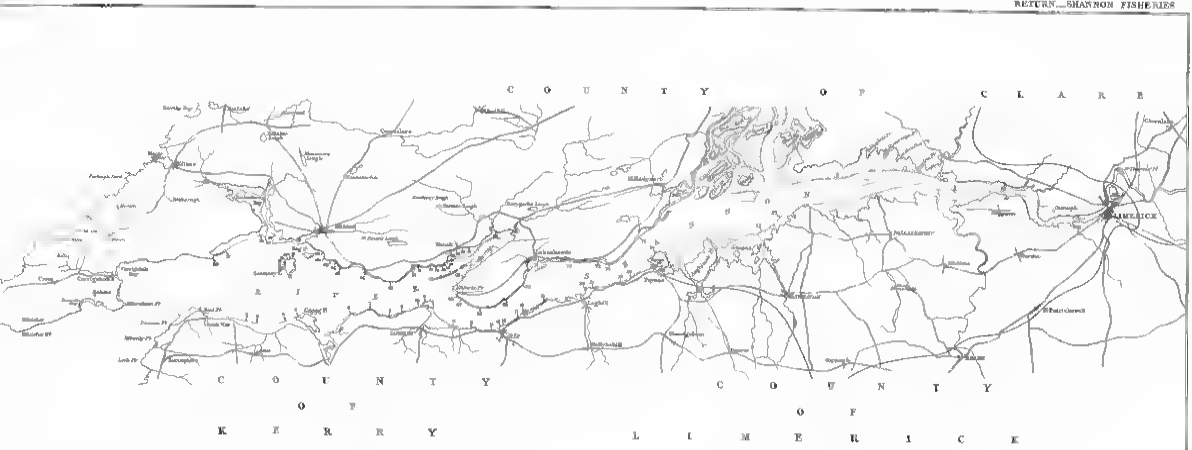

250 Ordered, by the House of Commons, to be printed, 12th May 1863
Mary Hansard Printer

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SHANNON FISHERIES.

FURTHER RETURN to an Order of the Honourable The House of Commons, dated 24 March 1863;—*for*,

COPIES "of any COMPLAINTS made to the Commissioners of Fisheries against ILLEGAL WEIRS on the *Shannon*, and their Decisions thereon:"

"Of any CORRESPONDENCE that may have taken place between the Commissioners of Fisheries, the Board of Admiralty, the Harbour Board of *Limerick*, and any other Persons, with reference to a BOAT having been wrecked on a Stake Weir at *Glin*, on the *Lower Shannon*, on the 20th day of December 1862:"

"And, of any CORRESPONDENCE that may have taken place with reference to proposed SURVEY of STAKE WEIRS on the *Lower Shannon*, between the Chamber of Commerce, *Limerick*, the Board of Admiralty, and the Board of Trade."

The Secretary of the Admiralty to the Commodore Controller General of the Coast Guard.

Admiralty, 16 June 1862.

MY Lords Commissioners of the Admiralty desire me to forward to you herewith a letter from Mr. Long, complaining of the injury caused to the navigation of the Shannon by the fishing weirs, which have been constructed in that river; and I am to direct you to give instructions to the inspecting commander of the Kilrush district to examine into and report on the subject.

By command of their Lordships.

(signed) *C. H. Pennell*,
pro Secretary.

The Commodore Controller General
of the Coast Guard.

Mr. *Long* to the Secretary of the Admiralty.

Fishing Weirs in Lower Shannon.

Sir, Limerick, 10 June 1862.

HAVING in a recent three day trip up and down the tideway of the Lower Shannon, observed the numerous obstructions to the navigation of this important estuary, by the erection of various stake weirs for taking salmon along both shores, it has occurred to me that the Admiralty is the proper quarter to call attention to this serious invasion of public rights.

I write with an intimate knowledge and long official connexion (under the Government) with this river and harbour, and the improvements.

These erections have been greatly multiplied of late years, and especially during the last couple of seasons. They are placed at every point of the river likely to be favourable for the take of salmon, along both shores, for a length of 30 miles of the estuary; in some cases extending several hundred yards out from the shore, and rendering the navigation for boats most inconvenient, and often highly dangerous.

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During the boisterous weather of last week I went along both shores in a boat, and in keeping in-shore for shelter was always, when passing these weirs, obliged to keep outside the tideway, sometimes at great risk. On one of the days, during a strong ebb, opposed by a stiff, nearly half-gale breeze, these stake weirs rendered it impossible to keep the shelter of the land, which, with the aid of the back tide in-shore, would have made our course safe and easy. With much danger we rounded these stake weirs, encountering the troubled tideway, and adverse current outside at great risk.

These stake weirs are not only used in the spring and summer, during the salmon season, but remain fixed in the tideway throughout the winter, with still more danger to the navigation during the boisterous season and long nights.

In short, for the use of boats, and for the numerous small sailing craft plying on this long estuary, the navigation has been greatly impaired, and I have been informed (by the parties themselves) of instances of great personal danger that occurred to them in connexion with these obstructions.

These fisheries appear to be erected at will (sometimes not even by the land frontages), without any control or supervision, and altogether regardless of the navigation; and as these encroachments are yearly increasing, it appears to be time to adopt some effectual measures to protect the public rights from an invasion which has already been too long suffered to exist.

I am, &c.
(signed) *J. Long.*

To the Secretary of the
Board of Admiralty.

The Commodore Controller General of Coast Guard to the Secretary of the Admiralty.

(*Vide* Admiralty Letter, 16 June 1862, H.)

River Shannon.—Obstruction by Fishing Weirs.

Admiralty, Coast Guard Office,
12, Spring Gardens, S. W., 30 June 1862.

The Commodore Comptroller General has the honour to return herewith the letter from Mr. Long, complaining of the injury caused to the navigation of the Shannon by the erection of salmon weirs, and to enclose for the information of the Lords Commissioners of the Admiralty, a copy of the report of the inspecting commander at Kilrush on the subject, dated 26th instant.

(signed) *J. R. Yelverton,*
Commodore Controller General.

The Secretary, Admiralty.

Report of the Inspecting Commander at *Kilrush.*

Kilrush, 26 June 1862.

1. The number of weirs in the Lower Shannon has increased very considerably of late, especially within the last two years, as the means of communication with London improve.

2. The outer stake of the weirs is always erected at the edge of low-water spring tides, and as there is a rise of 18 feet above this level, the stakes at all other times of tide appear very far off the shore.

3. They are an obstruction to the passage of row-boats and small craft, working against wind and tide; but as the trade of the river has never been conducted in that manner, the weirs cannot be considered as a hindrance to the public traffic.

4. The hookers and other vessels that perform the carrying trade, always tide it up and down the river, except when the wind is fair; and I have never heard of the master or owner of any of them complaining of the weirs being any obstruction to them in their business.

5. The

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5. The stakes being left during the winter months is very objectionable, as they not unfrequently break off a short way above the ground, and are therefore very liable to stave a boat when covered with water.

6. There is no control over the number of the weirs erected, except that each has a licence to pay, and a strict supervision is exercised over them by a water bailiff and his assistants, appointed by the Fishery Board in Dublin.

(signed) *Walter J. Pollard*,
Inspecting Commander.

The Secretary of the Admiralty to Mr. *Long*.

Sir, Admiralty, 17 July 1862.

I AM commanded by my Lords Commissioners of the Admiralty to acknowledge the receipt of your letter of the 10th June last, with reference to the weirs in the Shannon.

I am, &c.
(signed) *C. H. Pennell*,
pro Secretary.

J. Long, Esq., Limerick.

Mr. *Roche* to the Secretary of the Admiralty.

Weirs on Shannon.

Harbour Office, Limerick,
21 July 1862.

Sir,

I AM directed by the Limerick Harbour Commissioners to forward you the accompanying memorial to the Lords Commissioners of the Admiralty, complaining of the serious obstructions in the navigation of the Shannon from the several fishing weirs, &c. in the river. They will thank you to bring this matter under the consideration of their Lordships.

Printed at page 47 of 259, of 1863.

I remain, &c.
(signed) *Stephen Roche*,
Secretary.

The Secretary,
Lords Commissioners of the Admiralty,
London.

The Secretary of the Admiralty to Mr. *Roche*.

Sir, Admiralty, 28 July 1862.

I AM commanded by my Lords Commissioners of the Admiralty to acknowledge the receipt of your letter of the 21st of July, enclosing a memorial from the Limerick Harbour Commissioners, with reference to the weirs in the River Shannon.

I am, &c.
(signed) *C. H. Pennell*,
pro Secretary.

S. Roche, Esq., Harbour Office.

The Secretary of the Admiralty to Mr. *Long*.

Sir, Admiralty, 18 August 1862.

WITH reference to your letter of the 10th of June last, relative to salmon weirs on the River Shannon, I am commanded by my Lords Commissioners of the Admiralty to forward you the accompanying charts, and request you will mark thereon how far into the river the weirs extend, and return them with other sheets on a larger scale, and I am to request you to mark the exact sites of the weirs thereon.

I am, &c.
(signed) *W. G. Romaine*.

J. Long, Esq., Limerick.

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Mr. *Long* to the Secretary of the Admiralty.

Sir, Limerick, *15 August 1862.

In accordance with the request in your letter of yesterday, I have marked on the Shannon chart, herewith returned,† the extent of the estuary occupied by the salmon fisheries, referred to in my letter of the 10th of June last.

The letters A B, in pencil, indicate the extent referred to, viz., from Beal Point (A) to Crutton (B).

Yours, &c.
(signed) *J. Long.*

W. Romaine, Esq., Admiralty.

* Mr. Long dated this improperly; it should have been 17.

† It is unnecessary to give copies of this chart, as the plan given at p. 6, of No. 259 of 1863 is very similar.

The Secretary of the Admiralty to Mr. *Long.*

Sir, Admiralty, 20 August 1862.

I am commanded by my Lords Commissioners of the Admiralty to forward you six sheets of the River Shannon, on a large scale, and have to request that you will mark on them the exact site of the weirs you complain of, and the distance they extend into the river.

I am, &c.
(signed) *W. G. Romaine.*

J. Long, Esq., Limerick.

Mr. *Long* to the Secretary of the Admiralty.

Sir, Limerick, 22 August 1862.

I herewith return the enlarged charts of the River Shannon, upon which I have marked in red ink ‡ the sites of the various fisheries in the tideway, as sketched by me on the chart in the month of June last.

I made no measurements of these fisheries, and, therefore, cannot give the length they extend out from the shore, as requested in your letter.

I apprehend no measurement has ever been made of them, so that my Lords cannot have the information without a special measurement being made of each of the fisheries along the river.

I likewise forward a list of the fisheries, distinguishing the various descriptions used in each locality, with a sketch to correspond annexed.

Yours, &c.
(signed) *J. Long.*

W. G. Romaine, Esq.,
&c. &c. &c.
Admiralty.

‡ It is unnecessary to give copies of these charts, as the plan given at p. 6, of No. 259 of 1863 is very similar.

The Secretary of the Admiralty to Mr. *Long.*

Sir, Admiralty, 6 September 1863.

I am commanded by my Lords Commissioners of the Admiralty to acknowledge the receipt of your letter of the 22d ultimo, returning the charts of the River Shannon, with the site of the weirs marked on them.

I am, &c.
(signed) *W. G. Romaine.*

J. Long, Esq., C.E., Limerick.

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Mr. *Dwyer* to the Secretary of the Admiralty.

My Lord, Castle Connell, 2 September 1862.

The abandonment of Mr. M'Mahon's Fishery Bill at the end of last Session of Parliament, must, to a certain extent, prove injurious to the preservation of the salmon species, which is, I regret to say, in danger of becoming extinct in the Irish rivers. An opinion, whether well or ill founded I am unable to say, prevails very generally amongst the members of Boards of Conservators, and other well-informed parties, that the Lords of the Admiralty could easily remedy the evil. It is alleged that their Lordships undoubtedly are empowered to suppress either stake-nets or bag-nets, the most injurious of all, whenever or wherever they interfere with or obstruct the free passage of heavily laden shipping in the tide waters or estuaries of navigable rivers.

If your Lordship would be so kind as to state, for the information of the Irish Boards of Conservators, 1st. Whether the Lords of the Admiralty consider they possess such powers; and, 2d. Whether they would be willing to use them for the protection of the salmon species, if they are entitled to do so; the Conservators of the Shannon could easily call upon their Lordships to exercise their powers, and to put them legally into action, if those powers really exist.

I have, &c.
(signed) *John Stephen Dwyer*, J. P.,
A Conservator of the Shannon.

The Right Hon. the Lord Clarence Paget, M. P.,
Secretary to the Admiralty,
&c. &c. &c.

The Secretary of the Admiralty to Mr. *Dwyer*.

Sir, Admiralty, 5 September 1862.

In reply to your letter of the 2d instant, requesting to be informed if the Board of Admiralty have the power to suppress either stake-nets or bag-nets whenever or wherever they interfere with or obstruct the free passage of shipping in the tide waters or estuaries of navigable rivers, and whether the Board would be willing to use such powers for the protection of salmon, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that they can only interfere where the obstructions are injurious to navigation.

I am, &c.
(signed) *W. G. Romaine.*

J. S. Dwyer, Esq.,
Castle Connell, Ireland.

Mr. *G. A. Hamilton* to the Secretary of the Admiralty.

Shannon Weirs.

Sir, Treasury Chambers, 22 September 1862.

With reference to the correspondence which has taken place between the Admiralty and the Commissioners of Public Works, Ireland, as Fishery Commissioners, on the subject of the injury caused to the navigation of the River Shannon by the erection of stake weirs for salmon along both shores of the river, I am directed by the Lords Commissioners of Her Majesty's Treasury to request that you will inform the Lords Commissioners of the Admiralty that my Lords having had the subject under their consideration, as shown in the letter from the Board of Works of 9th ultimo, with its enclosure A, copies of which are annexed, have apprised the Board of Works that it would seem to be better that these obstructions to the navigation should be removed by the Board of Admiralty, under the general powers vested in that Board as guardians of the navigation

Printed at page 2 of 259 of 1863.

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gation of the Shannon, rather than by the Commissioners of Public Works, under their own more limited powers, as conferred on them by the Fishery Laws. And my Lords have now received a letter from the Fishery Department of the Board of Public Works, of the 16th instant (copy of which is herewith transmitted), enclosing copy of a complaint, with enclosures (also transmitted herewith), from Mr. William Lysaght, of Limerick, against certain weirs in the Lower Shannon. And my Lords request that you will move the Lords of the Admiralty to give such directions as they may see fit thereon.

See page 7 of 259, of 1863.
See page 5 of 259, of 1863; also plan and Schedule.

I am, &c.
(signed) *Geo. A. Hamilton.*

The Secretary to the Admiralty.

Mr. *Dwyer* to the Secretary of the Admiralty.

Castle Connell, County Limerick,
17 November 1862.

My Lord,

I AGAIN have the honour to address your Lordship in relation to the powers vested in the Lords Commissioners of the Admiralty to suppress either stake-nets or bag-nets whenever or wherever they interfere with or obstruct the free passage of shipping in the tide waters or estuaries of navigable rivers. Your Lordship informed me in your letter of 5th September 1862, that the Lords Commissioners of the Admiralty could only interfere where the obstructions are injurious to navigation. I now beg leave to refer your Lordship to the complaint of the Harbour Board of the City of Limerick, forwarded to your Lordship about the 23d July 1862, also the complaint of John Long, Esq., C.E., forwarded to your Lordship from Limerick 10th June 1862. If your Lordship, or the Lords Commissioners consider these complaints want support, a circumstance I can hardly conceive possible, I can and will get them powerfully sustained.

I have, &c.
(signed) *John Stephen Dwyer*, J.P.,
Conservator of the Shannon.

The Secretary of the Chamber of Commerce, Limerick, to the Secretary of the Admiralty.

Chamber of Commerce, Limerick,
* 16 December 1862.

Sir,

HAVING submitted to the Directors of this body your letter of the 3d inst. (H.), I am directed to express their gratification that the Lords Commissioners of the Admiralty have decided to have a survey of the Lower Shannon made, as a first step towards the removal of the fishing weirs which form obstructions to the navigation of this river; but I am at the same time to say that as this Chamber has not any public fund at its disposal, the Directors do not think it reasonable that they should be expected to contribute towards an object which it appears to be the immediate province of a Government department to carry into effect at the public expense.

A preliminary survey of these objectionable obstructions to the navigation of the Shannon was some time ago made by Mr. Long, C.E., of this city (in whom the Directors of this Chamber have the fullest confidence), showing the number and position of these weirs on the Ordnance Survey maps, a copy of which will be forwarded to my Lords, if desired. And I am further directed to say, that if local contribution to the necessary funds be essential, the large fund derived from the Harbour Dues is the proper source from which such contribution should come, through the administration of the Harbour Commissioners; and the Directors of this Chamber would feel obliged if you inform them what would be the probable amount that would be so required.

I have, &c.
(signed) *William Carroll*,
Secretary.

W. G. Romaine, Esq., C.B., Secretary,
The Admiralty, London.

* This is reprinted in this Return, the proper date not having been given to it at p. 11, of 259 of 1863.

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Mr. *W. L. Joynt*, to the Secretary of the Admiralty.

Sir, Limerick, 27 February 1863.

A copy of correspondence now lies before me from the Limerick Harbour Board to the Lords Commissioners of the Admiralty, dated July 1862,* complaining of the alleged obstructions to the navigation of the Shannon, by certain fishing weirs, the reply of my Lords of the 3d December,* the answer of the Secretary of the Chamber of Commerce, dated 16 December 1862,* stating they had no funds to pay for a survey of the Shannon, and adding that a survey of these weirs had been made by Mr. Long, C.E. The answer thereto of my Lords, of the 22d December,* stating that one-half of the expense of the survey would be about 60*l.*, the reply of the secretary,* stating that the Directors of the Chamber of Commerce sent a draft on the Bank of England for 60*l.*, for a preliminary survey of these weirs, preparatory to their removal, the receipt for same, dated 23d January;* also, letter of Mr. Randall, Harbour Master, dated 19th February 1863,* stating that, having made his periodical visit of inspection, he reported the increase of these weirs, and that, commencing at Stafford's Weir, upon the north shore, and ending in Beal Point, they were all obstructions.

I have now, as one of the conservators of fisheries of the Lower Shannon, and agent for Colonel White, owner of several weirs there, to call their Lordships' attention to the facts of the case, so put forward, and which are merely calculated to make use of their Lordships for private ends and personal gain, and by the removal of those fishing weirs, to transfer the property of one set of fishery proprietors to Mr. Malcolmson, the lessee of the Great Lax Weir, at Limerick.

First.—The memorial of the Harbour Board was based on and suggested by the report of Mr. Long, C.E., who was paid and sent down to report on these fishery weirs, by Mr. Robinson, the agent of Mr. Malcolmson, who is chairman of the railway company of which Mr. Long is engineer, and into whose great stone weir all the fish should go, if the fixed engines be swept away, and who claims the fishing of the river from the Lax Weir to the Atlantic. Not navigation, but salmon is the true cause of the survey by Mr. Long, and the memorial to their Lordships.

Second.—The 60*l.* so sent by the Chamber of Commerce, after their statement that they had no funds, was paid for the purpose by Mr. Robinson. Not public rights, but salmon again moved him thereto.

Third.—Mr. Randall, the Harbour Master, who now talks of obstructions, is the person who, in or about 1857, was examined before a judge and jury in Ennis, at the prosecution of the identical weir he names, Mr. Stafford's, for being an obstruction to navigation, and he then swore it was no obstruction, nor any of the weirs on the river; that, on the contrary, they were of very great service, as they defined the limits of the foreshore, between high and low water mark, inside which no vessel would venture. The prosecution failed in consequence of his evidence, and the weir was not abated.

Fourth.—These fixed engines, if they be obstructions to the navigation, can be prosecuted before a jury, who are the only true judges of the fact; parties interested in their abolition complain of them no doubt, but the public have not, nor have they suffered any injury by them; no person connected with the navigation of the river has complained of them. It can be proved that the Lax Weir was bought with the declared object of improving its value by sweeping away the tidal fisheries, and preventing the draft net fishermen from taking salmon. This latter project has nearly been accomplished by the recent judgment of the judges in the House of Lords, in the case of Malcolmson and O'Dea.

Fifth.—I submit, therefore, for their Lordships' consideration, that they should hesitate in this matter before they take any measures intended solely to benefit one great monopoly, such as the Lax Weir; and if the facts be as I state, and I challenge contradiction, there is ground for great circumspection before my Lords lend themselves to what it is a mere pretence to say is intended for the public benefit, or a vindication of public rights.

Sixth.—

* All these are printed in 259 of 1863.

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Sixth.—Moreover, I have to submit that at Kilkeryne and Carrick Batteries, of which Colonel White is tenant, the fisheries are the property of the Ordnance, another department of the public service, and who ought, with all the private owners, to have notice of those intended proceedings or survey, which would not now have been known, even to me, were it not that I discovered a copy of the correspondence to which I refer with a friend. I aver and can prove by the best mariners, that these weirs are no injury whatsoever to navigation, but a benefit; and if I mistake not that was the opinion of Captain Wolfe, R.N., who surveyed the Shannon for their Lordships, and it is the opinion of the oldest mariners in the port of Limerick.

Seventh.—In addition, I beg to say, for the information of their Lordships that any arrangement which may be necessary for the public service, Colonel White will willingly make; but he feels deeply the manner in which, under the garb of public spirit and public right, this attempt has been made to enlist their Lordships on the side of a great monopoly. They are at full liberty to make any use of this communication, which I trust you will submit to them at once.

I have, &c.

W. G. Romaine, Esq., Secretary, The Admiralty, London. (signed) *Wm. Lane Joynt.*

The Secretary of the Admiralty to Mr. *W. L. Joynt.*

Sir, Admiralty, S.W., 2 March 1863.

I AM commanded by the Lords Commissioners of the Admiralty to acknowledge the receipt of your letter of the 27th ultimo, on the subject of the alleged obstructions to the navigation of the Shannon by fishing weirs; and have to acquaint you that under "The Harbour Transfer Act, 1862," the jurisdiction with respect to tidal and navigable waters, hitherto vested in the Admiralty, was transferred to the Board of Trade on the 1st of January 1863.

Your communication has therefore been transmitted to that Department, to which all further correspondence must be addressed.

I am, &c.

W. L. Joynt, Esq., Limerick. (signed) *W. G. Romaine.*

The Secretary, Marine Department, Board of Trade, to Mr. *W. L. Joynt.*

Office of Committee of Privy Council for Trade,

Sir, Whitehall, 30 March 1863.*

WITH reference to your letter of the 27th February last, addressed to the Admiralty on the subject of the fishing weirs in the River Shannon, in which you request this Board not to take any steps for the purpose of causing the removal of the weirs without proper investigation, as you are prepared to prove that no injury is caused to the navigation of the river thereby, I am to acquaint you that the question will receive careful consideration before any steps are taken in the matter.

I am, &c.

W. L. Joynt, Esq., Limerick. (signed) *T. H. Farrer.*

Mr. *Long* to the President of the Limerick Chamber of Commerce.

Sir, Limerick, 17 April 1863.

WITH reference to our conversation relative to the encroachments in the navigation of the Lower Shannon, I have twice this year visited this estuary; the last time during the present week, and find that they are continuing this year to multiply these fisheries without any kind of supervision in the interest of the navigation, or for the protection of the public rights.

Last

* This and the two following Letters are dated later than the date of the Order; but have been introduced, in order to make the case complete.

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Last year I was requested by the Admiralty to furnish them with the particulars of all the fisheries in the tideway, with the view to their being examined by that Department, and I then marked all those fisheries in detail upon the charts forwarded by the Admiralty, but no examination has taken place into these encroachments.

Since then various stake-weirs, fly-nets, and bag-nets have been erected in the tideway where there were no obstructions of this kind before; and as all care for the protection of the public rights appears now to be abandoned, these obstructions will no doubt continue to be erected as hitherto, regardless of all control or supervision for the protection of the navigation.

I am, &c.
(signed) *J. Long.*

Richard Russell, Esq., J.P.,
President of Limerick Chamber
of Commerce.

The Secretary of the Chamber of Commerce, Limerick, to the Secretary Marine Department, Board of Trade.

Chamber of Commerce, Limerick,
21 April 1863.

Sir,

With reference to the recent correspondence between this Chamber and the Admiralty, and my more recent letters of the 15th* January and 24th March last, addressed to your Department, I am now directed to forward for the consideration of the Board of Trade, the accompanying letter of Mr. Long, C.E., to the President of this body, on the subject of the obstruction of the Lower Shannon by fishing weirs, &c.

* Printed in No. 259 of 1863.

It appears from this report of Mr. Long, that the number of these obstructions has greatly increased since the attention of the Admiralty was first directed to them last year, and that they continue to be erected without any supervision or control; and I am therefore again directed to express the regret of this Chamber that the intention of the Admiralty to have a survey made of these obstructions was not carried into effect, and that they are permitted to be multiplied every successive year without any supervision for the protection of the navigation.

I am, &c.,
(signed) *William Carroll,*
Secretary.

T. H. Farrer, Esq., Secretary,
Marine Department, Board of Trade.

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SHANNON FISHERIES.

FURTHER RETURN.

COPIES of COMPLAINTS made to the Commissioners of Fisheries against ILLEGAL WEIRS on the *Shannon*, and their Decisions thereon; of CORRESPONDENCE between the Commissioners of Fisheries, the Board of Admiralty, the Harbour Board of *Limerick*, and other Persons, with reference to a BOAT having been wrecked on a Stake Weir at *Glin*, on the *Lower Shannon*; and, of CORRESPONDENCE with reference to proposed SURVEY of STAKE WEIRS on the *Lower Shannon*; &c.

(*Colonel French.*)

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1863.

259—I.

Under 1 *oz.*

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